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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: L. Wells Art Unit: 1619
Re: Application of: Sackler, et al.
 Serial No.: 09/624,530
 Filed: July 24, 2000
 For: **METHOD OF TREATING HUMANS WITH
 OPIOID FORMULATIONS HAVING
 EXTENDED CONTROLLED RELEASE**

#18
HKD
3.25.03

RESPONSE TO ADVISORY ACTION

Box: RCE
Assistant Commissioner for Patents
Washington, D.C. 20231

December 31, 2002

Sir:

In response to the Advisory Action mailed September 16, 2002, Applicants respectfully submit the following remarks:

REMARKS

Claims 6-23 are pending. Claims 6-23 remain rejected. In the Advisory Action the Examiner indicated that Applicants' request for reconsideration has been considered, but does not place the application in condition for allowance.

I. DOUBLE PATENTING REJECTION

In the Advisory Action the Examiner maintained her rejection of claims 6-23 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of U.S. Patent No. 5,478,577. The Examiner stated that "though the claims do not contain statements (i) and (ii)..., 5,478,577 and the instant Application claim the same controlled-release oral dosage form. Hence, the controlled-release dosage form of 5,478,577 and the instant